United Nations

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

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Supplement No. 47 (A/56/47)

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Note

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I. Introduction

1. In its resolution 48/26 of 3 December 1993, the General Assembly decided to establish an Open-ended Working Group to consider all aspects of the question of increase of the membership of the Security Council and other matters related to the Security Council (for the full text of the resolution, see annex I).

2. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council began its deliberations in January 1994. The mandate of the Working Group was extended by the General Assembly at its forty-eighth through fifty-fifth sessions.[1] Reports on the progress of its work were submitted by the Working Group to the General Assembly at its forty-eighth through fifty-fifth sessions.[2]

3. On 23 November 1998, the General Assembly adopted resolution 53/30 with regard to one of the agenda items of the Working Group, namely, "Majority required for taking decisions on Security Council reform" (for the full text of the resolution, see annex II).

4. On 8 September 2000, heads of State and Government adopted the United Nations Millennium Declaration, by which they resolved, inter alia, "to intensify our efforts to achieve a comprehensive reform of the Security Council in all its aspects" (see General Assembly resolution 55/2, para. 30).

5. On 10 September 2001, in its decision 55/503, the General Assembly decided that the Open-ended Working Group should continue its work and submit a report to the Assembly before the end of the fifty-sixth session, including any agreed recommendations. The present report has been prepared and submitted pursuant to that decision.

6. From 30 October to 1 November 2001, the General Assembly considered the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council (see A/56/PV.33-36).

II. Proceedings of the Working Group during the fifty-sixth session of the General Assembly

7. The President of the General Assembly, Han Seung-Soo (Republic of Korea), served as Chairperson of the Working Group. Ambassadors Thorsteinn Ingolfsson (Iceland) and Mignonette Patricia Durrant (Jamaica) served as Vice-Chairpersons of the Working Group.

8. Meetings of the Working Group were chaired, when the Chairperson of the Working Group was not present, by one of the Vice-Chairpersons.

9. During the fifty-sixth session of the General Assembly, the Open-ended Working Group held four sessions, as follows: first session, 31 January 2002; second session, 11 to 15 March 2002; third session, 13 to 17 May 2002; and fourth session, 10 to 13 June 2002. A total of 13 meetings were held during the four sessions, during which delegations made oral as well as written proposals related to the issues discussed. Reference was made to proposals and/or position papers

submitted during previous sessions and annexed to previous reports of the Working Group. All proposals remain on the table. The Working Group affirmed that the work of the General Assembly on Security Council reform should be conducted in conformity with the relevant Assembly resolutions, fully respecting the need for transparency and open-endedness.

A. First session of the Working Group

10. At its first session, on 31 January 2002, the Working Group adopted its programme of work (see annex III).

11. The Working Group agreed that it should, in the light of its discussions in preceding years, in particular its discussions in 2001, continue: (a) its consideration of cluster I issues, namely, issues arising under the second item (Decision-making in the Security Council, including the veto), the third item (Expansion of the Security Council) and the fourth item (Periodic review of the enlarged Security Council) of its programme of work; and (b) its consideration of cluster II issues, namely, issues arising under the first item (Working methods of the Security Council and transparency of its work) of its programme of work.

12. The Working Group agreed that cluster I and cluster II issues should continue to be considered by the Working Group in tandem, meaning that the Working Group should, in terms of time and emphasis, consider cluster I and cluster II issues in a similar and balanced manner.

B. Second session of the Working Group

13. At its second session, from 11 to 15 March 2002, the Working Group began its consideration at the current session of the General Assembly of cluster I and cluster II issues.

14. The Working Group's consideration of cluster I issues proceeded on the basis of annexes XIII and XIV to the report of the Working Group to the General Assembly at its fifty-fifth session.[3]

15. The Working Group's consideration of cluster II issues proceeded on the basis of annex XVII to the report of the Working Group to the General Assembly at its fifty-fifth session.[3]

16. On 13 March 2002, in response to an invitation from the Working Group, the then President of the Security Council, Ambassador Ole Peter Kolby (Norway), and several members of the Security Council, discussed with the Working Group steps taken by the Council with a view to ensuring greater openness and transparency in its procedures and working methods.

17. Many members of the Working Group expressed the view that similar meetings of the Working Group involving members of the Security Council and of its working groups in interactive interchange of questions and views would be most welcome and useful and should be repeated in the future. At the close of the meeting, several members of the Working Group were still on the speaker's list, and it was therefore decided to have a follow-up meeting with representatives of the Security Council at the May 2002 session.

C. Third session of the Working Group

18. At its third session, from 13 to 17 May 2002, the Working Group continued its consideration of cluster I and cluster II issues.

19. The Working Group's consideration of cluster I issues proceeded on the basis of the documents referred to in paragraph 14 above. Italy submitted a written proposal on the expansion of the Security Council. Japan submitted a written proposal concerning the documents referred to in paragraph 14 above (see annex VI).

20. The Working Group's consideration of cluster II issues proceeded on the basis of the documents referred to in paragraph 15 above. Written proposals were also submitted in that connection by Italy and Japan. In addition, the Working Group discussed a proposal by Grenada concerning the record-keeping practices of the Security Council secretariat.[4]

21. On 14 May 2002, as a follow-up to the 13 March 2002 meeting (see para. 17 above) and in response to an invitation from the Working Group, the then President of the Security Council, Ambassador Kishore Mahbubani (Singapore), and two members of the Security Council, Ambassadors Mikhail Wehbe (Syrian Arab Republic) and Sir Jeremy Greenstock (United Kingdom of Great Britain and Northern Ireland), attended the meeting of the Working Group in order to discuss additional questions raised by members of the Working Group at its 13 March 2002 meeting.

D. Fourth session of the Working Group

22. At its fourth session, from 10 to 13 June 2002, the Working Group continued its consideration of cluster I and cluster II issues.

23. With reference to cluster I issues, the Working Group received a conference room paper by the Bureau of the Working Group (see annex IV) based on last year's working document on cluster I issues and a conference room paper containing the proposals referred to in paragraph 19 above (see annex VI).

24. With reference to cluster II issues, the Working Group received a conference room paper by the Bureau of the Working Group (see annex V) based on last year's working document on cluster II issues,[5] which reflected the deliberations of the Working Group at its March 2002 and May 2002 sessions.

25. The Open-ended Working Group considered and, on 13 June 2002, adopted its report to the General Assembly.

III. Recommendations

26. At its 13th meeting, on 13 June 2002, the Open-ended Working Group concluded its work for the current session of the General Assembly. It decided to recommend that consideration of this item be continued at the fifty-seventh session of the Assembly, building upon the work done during previous sessions and with a view to facilitating the process of reaching general agreement. To that end, the

Working Group recommends to the General Assembly the adoption of the following draft decision:

"The General Assembly, recalling its previous resolutions and decisions relevant to, and having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, established pursuant to its resolution 48/26 of 3 December 1993, and mindful of the United Nations Millennium Declaration of 8 September 2000 adopted by heads of State and Government,[6] in which they resolved, inter alia, to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects:

(a) Takes note of the report of the Working Group on its work during the fifty-sixth session of the General Assembly;

(b) Welcomes the progress so far achieved in the consideration of the issues dealing with the working methods of the Security Council as provisional agreement has been recorded on a large number of issues, but, noting that substantial differences of view remain on other issues, urges the Open-ended Working Group to continue exerting efforts during the fifty-seventh session to achieve progress in the consideration of all aspects of the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council;

(c) Decides that the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council should be considered during the fifty-seventh session of the General Assembly, and further decides that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth through fifty-sixth sessions, as well as the views to be expressed during the fifty-seventh session of the Assembly, and submit a report to the Assembly before the end of the fifty-seventh session, including any agreed recommendations."

Notes

[1] See General Assembly decisions 48/498, 49/499, 50/489, 51/476, 52/490, 53/487, 54/488 and 55/503.

[2] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 47* (A/48/47); ibid., *Forty-ninth Session, Supplement No. 47* (A/49/47); ibid., *Fiftieth Session, Supplement No. 47* (A/50/47/Rev.1); ibid., *Fifty-first Session, Supplement No. 47* (A/51/47 and Corr.1); ibid., *Fifty-second Session, Supplement No. 47* (A/52/47); ibid., *Fifty-third Session, Supplement No. 47* (A/53/47); ibid., *Fifty-fourth Session, Supplement No. 47* (A/54/47); and ibid., *Fifty-fifth Session, Supplement No. 47* (A/55/47).

[3] Ibid., *Fifty-fifth Session, Supplement No. 47* (A/55/47).

[4] See ibid., annex XXI.

[5] Ibid., annex XVII.

[6] Resolution 55/2.

Annex I

General Assembly resolution 48/26 of 3 December 1993

Question of equitable representation on and increase in the membership of the Security Council

The General Assembly,

Recalling its resolution 47/62 of 11 December 1992,

Noting with appreciation the report of the Secretary-General, which reflected the views of a number of Member States on the agenda item entitled "Question of equitable representation on and increase in the membership of the Security Council",

Recalling also the relevant provisions of the Charter of the United Nations, especially Article 23,

Recalling further that the Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf,

Recognizing the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations,

Bearing in mind the need to continue to enhance the efficiency of the Security Council,

Reaffirming the principle of the sovereign equality of all Members of the United Nations,

Acting in accordance with the purposes and principles of the Charter,

Mindful of the importance of reaching general agreement,

1. *Decides* to establish an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council;

2. *Requests* the Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of its forty-eighth session;

3. *Decides* to include in the provisional agenda of its forty-ninth session an item entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters".

Annex II

General Assembly resolution 53/30 of 23 November 1998

Question of equitable representation on and increase in the membership of the Security Council and related matters

The General Assembly,

Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, *determines* not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly.

Annex III

Programme of work of the Working Group during the fifty-sixth session of the General Assembly*

1. Working methods of the Security Council and transparency of its work.
2. Decision-making in the Security Council, including the veto.
3. Expansion of the Security Council:
   (a) Total size of the enlarged Security Council;
   (b) Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation);
   (c) Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership).
4. Periodic review of the enlarged Security Council.
5. Other matters.
6. Report of the Open-ended Working Group to the General Assembly.

* Previously issued as document A/AC.247/2002/CRP.1.

Annex IV

Conference room paper submitted by the Bureau of the Working Group on the principal elements of proposals concerning (a) decision-making in the Security Council, including the veto, (b) expansion of the Security Council, and (c) the periodic review of an enlarged Security Council*

I. Introduction

This conference room paper is a revised version of the conference room papers published as annexes XIII and XIV of last year's Working Group report (A/55/47). Those two annexes, which are merged here into a single annex, sought to identify principal elements of the proposals contained in sections I, II, and III of annex XI of the report of the Working Group to the General Assembly at its fifty-fourth session (A/54/47).

II. Principal elements of proposals made with reference to "Decision-making in the Security Council, including the veto"

A. The veto as a voting instrument in the Council

1. Proposals not necessarily requiring Charter amendment

(a) Proposals to leave the veto in its present form

The veto in its present form should be maintained.

(b) Proposals to preclude use of the veto or to curtail use of the veto

(1) Permanent members of the Council should exercise restraint in resorting to the veto.

(2) Every endeavour should be made to arrive at consensus decisions in the Council so that the veto need not be used.

(3) A veto should only be exercised when the question is of vital importance to the United Nations as a whole.

(4) If a veto is used, a written explanation of the reason for the veto should be given and also provided to the General Assembly.

(5) Permanent members should commit themselves not to use the veto except for matters under Chapter VII of the Charter.

* Previously issued as document A/AC.247/2002/CRP.3.

(6) The General Assembly should urge permanent members not to use the veto except for matters under Chapter VII of the Charter.

(7) What constitutes "procedural" matters, in terms of Article 27, paragraph 2, of the Charter, should be established by an updating of the annex to General Assembly resolution 267 (III) *and* should be applied by the Council.

(8) Permanent members of the Council should make unilateral or collective commitments not to use the veto.

2. Proposals requiring Charter amendment

(a) Proposals to eliminate the veto

The veto should be eliminated.

(b) Proposals to curtail the veto

(1) Article 27 of the Charter should define more clearly where a veto is permissible.

(2) The veto should be initially curtailed with a view to eventual elimination.

(3) Limitation of the veto to actions under Chapter VII of the Charter — relevant Articles of the Charter to be appropriately amended.

(4) More than one negative vote (of permanent members) to be required for exercise of a veto.

(5) Exercise of a veto to be subject to General Assembly action.

B. Number of affirmative votes required for decisions in an enlarged Council

(1) The number of affirmative votes required for decisions in the Council should remain, as at present, around 60 per cent.

(2) If 60 per cent of affirmative votes is required for decision, then the number of votes required in an enlarged Security Council would be as follows:

In a Council of 20, it would be 12;

In a Council of 21, it would be 13;

In a Council of 24, it would be 14;

In a Council of 25, it would be 15; and

In a Council of 26, it would be 16.

III. Principal elements of proposals made with reference to "Expansion of the Security Council"

A. Proposals of a general nature

1. Proposals for enlargement of Council in permanent and non-permanent membership

(1) Enlargement of the Council should enable inclusion of both new permanent members and new non-permanent members from developed/industrialized and developing countries.

(2) The concepts "industrialized countries", "developed countries" and "developing countries" should be clearly defined.

(3) Enlargement in permanent and non-permanent membership should be considered together.

(4) The current ratio of permanent and non-permanent seats should not be altered to the detriment of the non-permanent seats.

2. Proposals for enlargement of Council in non-permanent membership only, for the time being

If there is no agreement on enlargement of other categories of membership, there should only be, for the time being, enlargement of the non-permanent membership.

3. Proposals for enlargement of Council in non-permanent membership only

(1) There should be enlargement only in non-permanent membership.

(2) An enlarged Council should only include additional non-permanent members based on the principle of sovereign equality of States, and equitable geographical distribution.

B. Proposals of specific numbers for enlargement of Council

1. Specific numbers proposed

The enlarged Council should consist of

20 members

21 "

22 "

23 "

24 "

25 "

26 "

30 "

2. Range of numbers proposed

The enlarged Council should be:

From 15 to 24

From 24 to 26

No greater than 25

At least 26

C. Increase in the permanent membership of the Council

1. Proposals for permanent seats for: a particular region, a particular group of States or particular countries

(1) Africa should be allocated no less than two permanent seats according to decisions of the group of African States.

(2) A permanent seat should be allocated for the group of Arab States, the seat to rotate among Arab States in accordance with the practice of the League of Arab States.

(3) Two permanent seats should be allocated to Asia for decision of the Asian group in accordance with the system of rotation to be established by a working group formed for the purpose.

(4) One permanent seat should be allocated for the European Union.

(5) There should be two new permanent seats created for Germany and Japan as industrialized States.

2. Proposals for enlargement of permanent membership of the Council

(1) Five additional permanent seats: designated by two-thirds majority vote in the General Assembly — preferably on a regional basis taking account of equitable geographical distribution and capacity to contribute to peacekeeping operations.

(2) Five additional permanent seats:

– One to developing States of Africa;

– One to developing States of Asia;

– One to developing States of Latin America and the Caribbean;

– Two to industrialized States.

(3) Each developing region to be allocated two (regional) seats. Regional mechanism to determine allocation of seats within region.

As regards permanent regional representation, it is not precluded that a region may determine its own selection, prior to election by the General Assembly.

(4) One additional permanent seat to five regional groups (except Western European and others) — present five permanent members unchanged. Two additional financial permanent members.

(5) Each of five regional groups would have two permanent seats — present five permanent members (except United States) to be included in their regional groups. Three additional financial permanent members (including United States).

(6) Five additional permanent seats:

– One to each regional group in the United Nations (except Western European and Others);

– Two additional financial permanent members.

D. Extension of the veto to new permanent members

1. Question whether the veto should be extended

(1) New permanent members should have the same prerogative and powers of current permanent members.

(2) The veto should not be extended to new permanent members.

(3) New permanent members should:

(a) Indicate willingness to be permanent members without the veto;

(b) Agree not to exercise the veto until a periodic review of the enlarged Security Council has taken place.

2. When should question of extension of the veto to new permanent members be considered?

(1) Extension of the veto to new permanent members should be considered at the end of agreement on the reform package.

(2) Extension of the veto to new permanent members should be considered only in the context of curtailment of veto use by the current permanent members.

(3) A decision on the extension of the veto to new permanent members should be taken once they have been elected.

(4) A high-level Working Group should consider the question of the extension of the veto to new permanent members. During the interim period, new permanent members will not individually exercise the veto and the concurring vote of a specified number (e.g. four out of five) will be required for Security Council decision on matters, not procedural under Chapter VII of the Charter.

E. Increase in non-permanent membership

1. Reference in proposals to general criteria for enlargement of non-permanent membership

(1) Increase in non-permanent membership should take into account candidates from developing countries and industrialized States.

(2) When additional non-permanent seats are distributed, no national or regional group should be discriminated against.

(3) Every regional group should be allocated at least to one additional non-permanent seat in the enlarged Council.

(4) A reasonable balance between the number of permanent and non-permanent seats should be maintained and would enhance the representativity and equitable geographical distribution of the Council.

(5) Retiring non-permanent members of the Council should be eligible for immediate re-election.

2. Allocation of non-permanent seats among regions

(1) Every regional group should be allocated at least one additional non-permanent seat.

(2) There should be an increase in both permanent and non-permanent categories. There should be four additional non-permanent seats as follows:

One for Africa;

One for Asia;

One for Latin America and the Caribbean;

One for Eastern Europe.

(3) Four new non-permanent members should be elected as follows:

One for Africa;

One for Asia;

One for Eastern Europe;

One for Latin America and the Caribbean.

3. Allocation of non-permanent seats to one particular region or to one group of States

– There should be five non-permanent seats for Africa.

– There should be one additional seat for Eastern Europe.

– There should be two non-permanent seats for the group of Arab States.

4. Some States to participate more frequently as non-permanent members

(1) There should be five additional (long-term, 6 to 12 years) non-permanent seats to be chosen by the General Assembly, with retiring members eligible for re-election.

The other 10 non-permanent seats would continue as at present.

(2) If two additional seats for permanent members are created, the number of non-permanent members should be increased by eight as follows:

Two seats for Africa;

Two seats for Asia;

Two seats for Latin America and the Caribbean;

One seat for Western Europe and Others;

One seat for Eastern Europe.

If there are eight new non-permanent seats (additional to the present 10 non-permanent seats), each seat could "rotate" among three or four States enabling — (24 to 32) countries that make a substantial contribution to peacekeeping activities and United Nations financing and represent the majority of the world's population — to assume greater responsibility in implementing the Charter.

(3) Ten new non-permanent seats should be added. For each of these seats, three States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on, and four consecutive years off, the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly.

(4) The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be eligible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms.

(5) States with strength and influence in international relations and the capacity and the will to make a significant contribution to the purposes of the United Nations should participate more frequently in the Council.

IV. Principal elements of proposals made concerning the periodic review of an enlarged Security Council

A. Scope and necessity for periodic review

1. A periodic review of the structure and functioning of the Security Council is necessary.

2. A review of the Security Council is unnecessary.

3. If there are no additional permanent members, a review would not be necessary.

4. Issues within the mandate of the Open-ended Working Group should be subject to periodical review every 10 to 15 years.

5. The review process should take into account all aspects of reform: status of new permanent members, question of the veto, accountability and representation of regions in the Security Council.

6. The review should not cover the original five permanent members.

B. Timing of review

1. A review should take place every 10 to 15 years.
2. The first review should take place 10 to 20 years after the current reform exercise, and thereafter every 10 to 12 or 15 to 20 years.
3. The review should be automatically included in the agenda of the General Assembly and concluded within two years.

C. Decision-making in the course of a review

1. The review should not be subject to the veto.
2. The continuance of new permanent members would be dependent on the support of a two-thirds majority of the United Nations membership.
3. New permanent members should continue unless otherwise decided by a two-thirds majority of the United Nations membership.

Annex V

Revised conference room paper submitted by the Bureau of the Working Group on the working methods of the Security Council and transparency of its work*

I. Introduction

In this revised version of the conference room paper published as annex XVII to document A/55/47 on the working methods of the Security Council and transparency of its work, paragraphs and subparagraphs which have been provisionally agreed in the Working Group are indicated by bold typeface. For paragraphs on which there is not yet provisional agreement, amendments and suggestions presented in the discussion in the Working Group, as recorded by the Bureau, have also been listed; there were also proposals to delete some of these paragraphs. Further proposals to that effect may be made in the future.

Furthermore, the Bureau has decided to add, under respective headings of this conference room paper (within boxes), relevant references to Security Council and General Assembly resolutions as well as notes and statements of the President of the Security Council, of which it is aware. The text of most of these documents can be found in similar boxes in last year's conference room paper on Cluster II issues published as annex XVII to document A/55/47, while the text of more recent documents of relevance are included at the end of this conference room paper. The Bureau hopes that the inclusion of these references and excerpts may inform delegations of relevant past practice in this area and facilitate constructive discussion within the Working Group.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council and informal consultations of the whole**

1. Suggested improvements to the present practice:

(a) The Security Council should, as a general rule, meet in a public format open to all Member States of the United Nations;

(b) Exceptionally, the Security Council may decide to meet in private;

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

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* Previously issued as annex XVII to the report of the Working Group to the General Assembly at its fifty-fifth session (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 47* (A/55/47)).

** This title to be reviewed when we reach the stage of institutionalization.

Suggested amendments to subparagraph (c) in favour of reference to "informal consultations of the whole"

(1) Revise the subparagraph to read: "When the members of the Security Council agree that special circumstances so require, they may meet for informal consultations of the whole."

(2) Revise the subparagraph to read: "When the Security Council agrees that special circumstances so require, [its members]/[it] may meet for informal consultations of the whole."

(3) Revise the subparagraph to read: "When members of the Security Council determine that circumstances so require, they may meet for informal consultations of the whole."

(4) Delete the word "special".

(5) Revise the subparagraph to read: "Members of the Security Council may meet for informal consultations of the whole for the exclusive purpose of drafting its decisions or hearing briefings on exceptionally delicate situations."

(6) Revise the subparagraph so that it reads: "Members of the Security Council may meet for informal consultations of the whole for the exclusive purpose of drafting its decisions or hearing briefings on exceptionally delicate situations when members of the Security Council determine that circumstances so require."

Suggested amendments to subparagraph (c) opposing reference to "informal consultations of the whole"

(7) Delete the entire subparagraph.

(8) Insert the words "closed meetings" in place of the words "informal consultations".

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration;

(e) The Security Council should, whenever appropriate, meet at the ministerial level;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as a general rule, in a public format;

(g) The Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of the United Nations bodies, agencies or field missions may report to the Security Council in private.

2. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Statement by the President of the Security Council of 16 December 1994 (S/PRST/1994/81)

Note by the President of 30 December 1999 (S/1999/1291)

Note by the President of 28 February 2000 (S/2000/155)

B. Participation of non-members in meetings of the Security Council and informal consultations of the whole

The active participation of non-members in the substantive discussions of the Security Council is an important step towards making the work of the Council more open, effective, transparent and representative.

3. Suggested improvements to the present practice:

(a) The Security Council should continue to hear the views of non-members of the Council, particularly those affected by the issues under consideration, in public meetings at the beginning of its consideration of a substantive matter;

(b) **When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;**

(c) **The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 38 as well as all other relevant Provisional Rules of Procedure;**

(d) Non-members of the Security Council whose interests are specially affected and who are willing to participate in a private meeting should indicate in writing to the President of the Security Council their desire to do so. The President of the Security Council should respond to such requests, and if the response is negative, the response should be in writing;

(e) The Security Council should, if requested by countries affected by the decisions of the Council, conduct consultations with those countries;

Suggested amendment to subparagraph (e)

(1) Delete the entire subparagraph.

(f) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter.

Suggested amendments to subparagraph (f)

(1) Delete the entire subparagraph.

(2) Delete the words "as appropriate".

(3) **Revise the subparagraph to read: "The non-members of the Security Council should be invited to participate in Council discussions during informal consultations of the whole on matters directly affecting them, under similar arrangements as stipulated in Articles 31 and 32 of the Charter."**

4. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 17 February 1999 (S/1999/165)

Note by the President of the Security Council of 29 May 2002 (S/2002/591) — see full text at the end of this annex.

C. Programme of work of the Security Council and agenda of its meetings and informal consultations of the whole

5. **Suggested improvements to the present practice:**

(a) **The Security Council's tentative forecast of its programme of work for the coming month should be made available to all Member States as soon as it is available to members of the Council;**

(b) **The calendar setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available to all Member States as soon as possible after their consideration by the members of the Council;**

(c) The Council should consider its monthly programme of work at a public meeting;

Suggested amendments to subparagraph (c)

(1) Insert the words "the calendar setting out the Security Council's provisional monthly schedule of work" in place of the words "its monthly programme of work".

(2) Insert the words "at public meetings" in place of the words "at a public meeting".

(3) Subparagraph (c) should be deleted.

(4) Subparagraph (c) should be revised to read: "At the beginning of each month, the Council should consider its monthly programme of work at a public meeting."

(5) Subparagraph (c) should be revised to read: "The Council should conduct its initial consideration of its monthly programme of work at a public meeting."

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views, etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

6. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 27 July 1993 (S/26176)

Note by the President of the Security Council of 24 January 1996 (S/1996/55)

Note by the President of the Security Council of 22 August 1996 (S/1996/603)

Note by the President of the Security Council of 30 April 1998 (S/1998/354)

Note by the President of the Security Council of 26 March 2002 (S/2002/316) — see full text at the end of this annex.

D. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and informal consultations of the whole

7. Suggested improvements to the present practice:

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. Briefings should be detailed and take place directly following informal consultations of the whole and Council meetings not open to all Member States. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings, including the elements of statements made by him/her to the press, should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the permanent missions to the United Nations through electronic mail;

Suggested amendment to subparagraph (a) (third sentence)

Delete the third sentence.

Suggested amendments to subparagraph (a) (fourth sentence)

(1) In the fourth sentence, insert the words "in parallel with" in place of the words "no later than".

(2) In the fourth sentence, insert the words "statements to the media" in place of the words "briefings for the media".

(3) Revise the fourth sentence to read: "Briefings for non-members should be closed and held before briefings for the media."

(4) Delete the fourth sentence.

Suggested amendments to subparagraph (a) (fifth and sixth sentences)

(1) In the final sentence, insert the words "made available" in place of the word "transmitted".

(2) Delete the last two sentences of the subparagraph.

(3) Delete the fifth and sixth sentences.

(4) Retain the fifth sentence, but delete the sixth sentence.

(5) Revise the sixth sentence to read:

"If written records of the briefings are to be provided, they should be made available through any appropriate means."

(b) A short factual summary of the Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated to all Member States no later than the day after. The summaries should also be transmitted to permanent missions through electronic mail;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "a short summary of major points of discussion" in place of the words "a short factual summary".

(3) Redraft the subparagraph to take into consideration the need for confidentiality.

(4) In the second sentence, insert the words "normal channels, including" before the words "electronic means".

(5) Include the following as a new third sentence:

"The summaries should not identify the positions of Security Council members, but should include major points of discussion."

(c) Draft resolutions and draft presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled; or earlier, if so authorized by the author of the draft;

(d) The President, in briefing non-members of the Council, should provide information about the main elements and any new elements of draft resolutions, presidential statements and other documents under consideration by the Council.

8. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 28 February 1994 (S/1994/230)

Note by the President of the Security Council of 31 March 2000 (S/2000/274)

Note by the President of the Security Council of 29 June 2001 (S/2001/640) — see full text at the end of this annex.

E. Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation

9. Suggested improvements to the present practice:

(a) While authorizing force, the Security Council should adhere to the provisions of Articles 43 and 44 of the Charter of the United Nations;

Suggested amendments to subparagraph (a)

(1) Delete the entire subparagraph.

(2) Add this sentence at the end of subparagraph (b) below.

Note: The placement of this subparagraph will be considered later.

(b) Meetings between members of the Security Council and countries which contribute troops and civilian police, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of a peacekeeping operation, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

(c) Other countries contributing to a peacekeeping operation should be invited, as appropriate, to these meetings;

(d) Countries directly concerned and/or affected by a peacekeeping operation, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

Suggested amendments to subparagraph (d)

(1) Delete the words "including host countries".

(2) Revise the paragraph to read: "Countries directly concerned and/or affected by a peacekeeping operation, including host countries as observers, should also, as appropriate, be invited to these meetings."

(e) Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation should be convened and chaired by the President of the Security Council, supported by the Secretariat;

(f) The President of the Council should convene meetings with troop-contributing countries in a timely manner, including at their request;

(g) The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other countries contributing to a peacekeeping operation are held at a time that allows those countries to adequately consider the relevant reports of the Secretary-General. The Secretariat should make these reports available at an appropriate time before such meetings;

(h) Meetings should be announced in the *Journal of the United Nations*;

(i) Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of such meetings. Such briefings should be announced in the *Journal of the United Nations*;

(j) A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the Security Council, which does not compromise the confidentiality of the work of those meetings, should be made available promptly to all Member States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;

(k) The President of the Security Council should report to the Council the views expressed by participants at troop-contributors' meetings. The Council should fully take into account these views in its deliberations;

(l) The Secretariat should make available, to all Member States, weekly reports on field operations, which are available to members of the Security Council.

10. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

General Assembly resolutions and reports that may be of relevance

Supplement to an Agenda for Peace of 26 September 1997 (resolution 51/242)

Report of the Panel on United Nations Peace Operations (the Brahimi report) (A/55/305-S/2000/809), paragraph 61

Report of the Special Committee on Peacekeeping Operations of 4 December 2000 (A/C.4/55/6), section II.D

Presidential notes and statements that may be of relevance

Statement by the President of the Security Council of 3 May 1994 (S/PRST/1994/22)

Statement by the President of the Security Council of 27 July 1994 (S/PRST/1994/36)

Statement by the President of the Security Council of 4 November 1994 (S/PRST/1994/62)

Statement by the President of the Security Council of 19 December 1995 (S/PRST/1995/61)

Statement by the President of the Security Council of 28 March 1996 (S/PRST/1996/13)

Note by the President of the Security Council of 30 October 1998 (S/1998/1016)

Statement by the President of the Security Council of 31 January 2001 (S/PRST/2001/3) — see full text at the end of this annex.

Statement by the President of the Security Council of 20 February 2001 (S/PRST/2001/5) — see full text at the end of this annex.

Note by the President of the Security Council of 14 January 2002 (S/2002/56) — see full text at the end of this annex.

Security Council resolutions that may be of relevance

Resolution 1318 (2000)

Resolution 1327 (2000)

Resolution 1353 (2001)

F. Reports of the Security Council to the General Assembly

11. Suggested improvements to the present practice:

(a) The annual report of the Security Council to the General Assembly, submitted pursuant to Article 24 (3) of the Charter, should give a detailed and comprehensive account of the Council's work and should be made available to the General Assembly no later than 30 August;

Suggested amendments to subparagraph (a)

(1) Insert the word "factual" in place of the words "detailed and comprehensive".

(2) Insert the word "factual" between the word "comprehensive" and the word "account".

(3) Insert the word ", objective" between the word "detailed" and the words "and comprehensive".

(4) Insert the words "substantive, analytical and material" in place of the words "detailed and comprehensive".

(5) Insert the words "substantive and analytical" in place of the words "detailed and comprehensive".

(6) Insert the words "if possible" after the words "made available to the General Assembly".

(7) Insert the words "before the beginning of the general debate" in place of the words "no later than 30 August".

(b) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council, including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments, prepared under the exclusive responsibility of the President following consultations with Council members, should be balanced, comprehensive and objective and distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

Suggested amendments to subparagraph (b)

(1) In the first sentence, delete the words "including, as appropriate, informal consultations of the whole, held".

(2) Delete in the second sentence the words "balanced, comprehensive and objective and".

(3) The existing practice (set out in document S/1997/451) should be retained.

(4) Insert the following sentence immediately before the last sentence of the subparagraph: "Such assessments should include statements that the President of the Security Council makes to the press on behalf of the members of the Council."

(5) Add in the beginning of the subparagraph the words "As is the present practice".

(6) Subparagraph (b) should be revised to read:

"As is the present practice, upon the completion of his/her Presidency each President of the Security Council should provide an assessment of the work of the Council including, as appropriate, informal consultations of the whole, held during his/her Presidency. These

assessments should be prepared under the exclusive responsibility of the President following consultations with Council members, and should be distributed as official documents to Member States immediately after their issuance by the outgoing President. Such assessments should include copies of statements that the President of the Security Council makes to the press on behalf of the members of the Council as appropriate. They should also be appended to the annual report of the Council to the General Assembly."

(7) Include the following paragraph immediately after subparagraph (b):

"The Security Council should, on the last working day of the month, include in its agenda provision for an oral assessment to be made by the President, at a public meeting, of the work accomplished during his Presidency."

(c) The annual report of the Security Council should also include information on the informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press on behalf of the members of the Council".

(2) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press with the prior authorization of the Security Council".

(3) Delete subparagraph (c) and the suggested amendments.

(4) Delete the suggested amendments to subparagraph (c), but retain subparagraph (c).

(5) Retain subparagraph (c) until the question of how "informal consultations" are to be handled in the entire document is resolved.

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

Suggested amendments to subparagraph (e)

(1) Replace the subparagraph with the following sentence: "The annual report should enable Member States to assess the extent to which relevant General Assembly resolutions have been taken into account by the Council in its decisions."

(2) Delete the entire subparagraph.

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account General Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

Suggested amendments to subparagraph (f)

(1) Delete the entire subparagraph.

(2) Delete subparagraph (f) (i).

(3) Insert a new subparagraph (f) (ii) bis to read: "Strengthen further the section in the report on the steps taken by the Council to improve its working methods".

(4) Delete in subparagraph (f) (i) the words "as appropriate".

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

12. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 30 June 1993 (S/26015)

Note by the President of the Security Council of 12 June 1997 (S/1997/451)

Note by the President of the Security Council of 22 May 2002 (S/2002/199*) — see full text at the end of this annex.

G. "Arria formula"

13. Suggested improvements to the present practice:

On the initiative of one of its members and in keeping with rule 39 of its provisional rules of procedure, the Security Council could resort, as appropriate, to the Arria formula to hear views and obtain or exchange information with personalities, organizations, institutions or whomever it considers pertinent, involved in a conflict. At no time will the Security Council receive representatives of Governments of United Nations Member States

under this mechanism. The level of representation of the Security Council members should be commensurate with that of those invited.

Suggested amendments:

(1) In the first sentence, delete the words "and in keeping with rule 39 of its provisional rules of procedure".

(2) In the first sentence, insert the words "members of the" before the words "Security Council".

(3) In the first sentence, insert the words "based on the agreement of its members" after the words "Security Council".

(4) In the first sentence, insert the words "in an informal way" after the words "exchange information".

(5) In the first sentence, delete the word "personalities".

(6) In the first sentence, insert the words "any persons whom" in place of the words "personalities, organizations, institutions or whomever".

(7) In the first sentence, insert the words "in accordance with Article 65 of the Charter and as provided for by the Economic and Social Council" after the words "personalities, organizations, institutions".

(8) In the first sentence, insert the words "whose contributions" before the words "it considers pertinent".

(9) At the end of the first sentence, delete the words "involved in a conflict".

(10) At the end of the first sentence, insert the words "to reach a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(11) At the end of the first sentence, insert the words "because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(12) At the end of the first sentence, insert the words "issues before the Council" in place of the words "involved in a conflict".

(13) Replace the first sentence with the following two sentences: "The Security Council should fully implement rule 39 of its provisional rules of procedure. Bearing in mind this rule, the Security Council may agree to resort, as appropriate, to the Arria formula as an informal way to hear views and obtain or exchange information with personalities, organizations, institutions or whomever it considers pertinent, involved in a conflict."

(14) Delete the second sentence.

(15) Delete the third sentence.

(16) Delete the entire section G.

(17) In the first sentence, the reference to rule 39 of the provisional rules of procedure should be deleted; the words "resort to" should be replaced

with the word "use"; and the words "involved in a conflict" should be deleted.

(18) In the second sentence, replace the words "at no time will the Security Council" with the words "as a general rule, the Security Council will not".

14. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Reference

Identical letters dated 15 March 1999 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council (S/1999/286)

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

15. Suggested improvements to the present practice:

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

16. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Ad hoc missions of the Security Council

17. Suggested improvements to the present practice:

(a) The Security Council should establish criteria for deciding the destination, size and mandate of its ad hoc missions. The transparency of budgetary aspects of such missions should be ensured well in advance of the dispatch of such missions;

(b) The Security Council should continue to inform the general membership as soon as possible about its ad hoc missions to a crisis region as well as its terms of reference;

(c) The Security Council should also continue the practice of informing the general membership as soon as possible about the findings of such missions, for example, in a written report circulated as a United Nations document;

(d) The Security Council should furthermore provide for a meeting to discuss the findings of those missions, while allowing non-members of the Council to participate in the discussions.

Suggested amendments to the above proposal

(1) In subparagraph (b), the words "as soon as possible" should be replaced with the word "immediately".

(2) In subparagraph (b), the word "crisis" is too restrictive.

(3) A new subparagraph (a) should be included to read:

"The Security Council should include troop-contributing countries that contribute formed units to a particular United Nations peacekeeping operation in Council missions to the country/countries hosting such an operation."

18. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Consultations pursuant to Article 50 of the Charter

19. Suggested improvements to the present practice:

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned;

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request;

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

20. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

21. Suggested improvements to the present practice:

The Secretariat should continue to alert non-members of the Security Council of unscheduled emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a web site, an electronic message and a facsimile transmission to all Member States).

22. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

23. Suggested improvements to the present practice:

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently;

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section F.11(e) above. The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard;

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The President of the Security Council should brief the Chairmen of the regional groups on the programme of work of the Council at the beginning of the month and should later continue to inform them as appropriate and as the need arises.

24. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

M. Consultations with funds, programmes and agencies

25. Suggested improvements to the current practice:

In cases when the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned.

Suggested amendments

(1) Revise the paragraph to read: "The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned before the Council acts. The decisions of the respective executive board and of the General Assembly shall be final in all aspects of such programmes."

(2) Revise the paragraph to read: "In case when, as a measure of exception, the Security Council mandates an operation of overseeing or protecting the delivery of humanitarian assistance, the Council should conduct proper consultations with the principal officers of the United Nations agencies or funds or programmes concerned prior to the issuance of the mandate or during the renewal of this mandate."

(3) Present paragraph 25 to become paragraph 25 (a). The following is to be included as a new paragraph 25 (b):

"In order to avoid any gap between peacekeeping and peace-building, the Security Council should, where appropriate, consult, at various stages of any peacekeeping operation that includes peace-building elements and in particular when the operation is being established, with the State concerned and with relevant actors who are primarily responsible for coordinating and implementing aspects of peace-building activities, such as the General Assembly, the Economic and Social Council, the United Nations funds and programmes, the international financial institutions, regional organizations and major donor countries."

26. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

N. Records and archives

27. Suggested improvements to the present practice:

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations;

Suggested amendments to subparagraph (a)

(1) Delete the words "and consultations".

(2) Insert the words "informal consultations of the whole" in place of the word "consultations".

(3) Insert the words "of the whole" at the end of the sentence.

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established;

Suggested amendments to subparagraph (b)

(1) Insert the word "considering" in place of the word "fulfilling".

(2) Insert the words "access to" before the words "these records".

(3) Insert the word "non-members" in place of the words "any member".

(4) Insert the words "United Nations" in place of the words "Security Council".

(5) Insert a new subparagraph (b) bis to read: "Members of the Security Council shall at all times have the right to consult the records of the private meetings of the Council."

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meet the established international standards for the management of records and archives.

28. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

A. Sanctions committees

29. Suggested improvements to the present practice:

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committees should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

(c) The countries specially affected by sanctions regimes, including target countries, should be given reasonable access to sanctions committees to explain their situations directly related to the implementation of sanctions;

Suggested amendments to subparagraph (c)

(1) Delete the word "reasonable".

(2) Insert the word "better" in place of the word "reasonable".

(3) Revise the subparagraph to read: "The target or affected countries, as well as concerned organizations, should be better able to exercise the right of explaining or presenting their points of view to the sanctions committees."

(4) In suggested amendment (3) above, delete the word "better".

(5) The access to "sanctions committees" of countries affected by "sanctions regimes" should be maximized.

(d) The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;

(e) The agenda of the meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;

(f) Chairmen of sanctions committees should, as appropriate, after each meeting continue to give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should continue to be announced in the *Journal of the United Nations*;

(g) Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.

30. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 29 March 1995 (S/1995/234)

Note by the President of the Security Council of 31 May 1995 (S/1995/438)

Note by the President of the Security Council of 24 January 1996 (S/1996/54)

Note by the President of the Security Council: work of the sanctions committees: 29 January 1999 (S/1999/92)

Note by the President of the Security Council of 17 April 2000 (S/2000/319)

B. Other subsidiary organs

31. Suggested improvements to the present practice:

(a) Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members;

Suggested amendments to subparagraph (a)

(1) Delete the word "more" in the first sentence.

(2) In the first sentence, insert the words "and working groups of the Security Council" after the words "the Charter".

(3) Delete the entire subparagraph.

(4) In the first sentence, insert the word "other" after the words "Meetings of".

(5) Move subparagraph (a) to the very beginning of Chapter III.

(6) In the first sentence, in place of the words "subsidiary organs", insert the words "working groups".

(b) Chairmen of other subsidiary organs of the Security Council should, as appropriate after each meeting, give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should be announced in the *Journal of the United Nations*.

Suggested amendment to subparagraph (b)

In the first line, delete the word "other".

Note: The question of a reference to Security Council working groups in this subparagraph may require further consideration.

32. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

33. Suggested improvements to the present practice:

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.*

Suggested amendments

(1) Insert the words "request as appropriate" in place of the words "consider requesting more often".

(2) The words "on any legal question" should be replaced with the words "on any legal question relevant to the maintenance of international peace and security".

(3) Delete paragraph 33.

34. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Economic and Social Council

35. Suggested improvements to the present practice:

In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

36. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

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* See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 47* (A/51/47), annex V, "Negotiating paper submitted by the Movement of Non-Aligned Countries", for an earlier formulation.

V. Relationship between the Security Council and regional arrangements and agencies

37. Suggested improvements to the present practice:

(a) Efforts to enhance peacekeeping capacities of regional arrangements or agencies should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

Suggested amendment to subparagraph (a)

Delete the entire subparagraph.

(b) In its relations with regional arrangements and agencies, the Security Council should take fully into account the relevant provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to General Assembly resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned;

Suggested amendments to subparagraph (c)

(1) Insert the words "Close consultation should be maintained between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(2) Insert the words "Consultation should be strengthened between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(3) Revise the subparagraph to read: "The Security Council, in accordance with the provisions of Chapter VIII, of the Charter, should enhance its cooperation and consultations on matters affecting the maintenance of international peace and security, with the relevant regional arrangements and agencies."

(4) Delete the entire subparagraph.

Suggested amendments to subparagraphs (a)-(c)

(1) Delete the entire section V.

(2) Retain subparagraphs (a) and (c) if section V is to be retained.

(d) Recognizing the important role of regional organizations and arrangements in preventive diplomacy, conflict resolution and peacekeeping activities, the Security Council should consult such organizations and arrangements more frequently. The representative of a regional organization or arrangement should indicate in writing to the President of the Security Council his or her desire to participate in a meeting. The President of the Security Council should respond in accordance with rule 39 of the provisional rules of procedure.

Suggested amendments to subparagraph (d)

(1) At the end of the second sentence, add the words "on an issue in which that organization or arrangement is involved".

(2) Revise the subparagraph to reflect that regional organizations and arrangements should have the possibility to request that the Security Council hold meetings on certain issues.

38. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

Presidential notes and statements that may be of relevance

Note by the President of the Security Council of 28 May 1993 (S/25859)

General Assembly resolutions that may be of relevance

49/57. Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security of 9 December 1994

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

39. Suggested improvements to the present practice:

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(i) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency, as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II to V of the present report;

(ii) After institutionalization of the measures described in subparagraph (i) above, there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Suggested amendment to paragraph 39

Paragraph 39 should not be included.

References

Recent notes and statements by the President of the Security Council of relevance

Notes by the President of the Security Council

S/2001/640 of 29 June 2001 on dissemination of Council resolutions and presidential statements

1. The members of the Security Council, recognizing the importance of timely, full and effective dissemination of its resolutions and presidential statements, as well as statements to the press by its President on behalf of its members to the international community, in particular their communication to those concerned, have indicated their agreement to the continuation and strengthening of the current practice as follows:

(a) The President of the Security Council should, when so requested by the Council members, and without prejudice to his/her responsibilities as President, draw the attention of the representative(s) of the Member State(s) as well as regional organizations and arrangements concerned to relevant statements to the press made by the President on behalf of Council members or decisions of the Council;

(b) The Secretariat should also continue to bring to the knowledge of those concerned including non-State actors through the relevant Special Representatives, Representatives and Envoys of the Secretary-General and United Nations Resident Coordinators, resolutions and presidential statements of the Security Council as well as statements to the press made by the President of the Council on behalf of the Council members and ensure their promptest communication and widest possible dissemination;

(c) The Secretariat should further issue, as United Nations press releases, all statements to the press made by the President of the Security Council on behalf of Council members, upon clearance by the President.

2. The members of the Security Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.

S/2002/56 of 14 January 2002 on joint meetings of the Security Council Working Group on Peacekeeping Operations and troop-contributing countries

1. The members of the Security Council, recalling the statement by the President of the Security Council on 31 January 2001 (S/PRST/2001/3) and relevant Security Council resolutions about peacekeeping, having considered the views expressed, including in the letters of a number of troop-contributing countries of 30 May 2001 (S/2001/535) and 22 June 2001 (S/2001/626), and recognizing the desirability of forging a more effective partnership with troop-contributing countries, including by establishing a new mechanism for cooperation pursuant to section D, paragraph 1, of annex I to Security Council resolution 1353 (2001) of 13 June 2001, in addition to the current forms of consultation between the Council, the troop-contributing countries and the Secretariat, have given their agreement to the principle of convening joint meetings of the Security Council Working Group on Peacekeeping Operations and troop-contributing countries as an additional mechanism for

strengthening cooperation with troop-contributing countries on specific peacekeeping operations.

2. The purpose of the joint meetings of the Working Group and troop-contributing countries is to enable the members of the Council, relevant troop-contributing countries and the Secretariat to engage in a closer and more interactive dialogue over issues pertaining to peacekeeping operations as outlined in paragraphs 2 and 4 of section B of annex II to resolution 1353 (2001) so as to complement effectively the ongoing process of consultation meetings pursuant to the above-mentioned resolution. At the joint meetings, specific aspects of peacekeeping operations will be discussed in order to facilitate the work of the Security Council and the Secretariat by taking into account the views of the troop-contributing countries in relation to a corresponding peacekeeping operation.

3. The joint meetings of the Working Group and troop-contributing countries will be composed of the members of the Security Council and relevant troop-contributing countries as identified by the Secretariat, in consultations with the Chairman of the Working Group, in particular those contributing at least one formed military unit or a comparable number of civilian police, as well as representatives of the Secretariat. In specific circumstances, when the agenda of those meetings exceeds the limits of the strict interest of the troop-contributing countries on the ground, the Working Group may invite other significant actors to attend the joint meetings when the Working Group deems their participation to bring added value to the discussion at hand. The Secretariat is encouraged to provide military, political, humanitarian and other briefings and advice as appropriate.

4. The Chairman of the Working Group, bearing in mind that the workload of the Security Council should not become unduly burdensome, in consultation with members of the Working Group, relevant troop-contributing countries and the Secretariat, will be responsible for convening the joint meetings of the Working Group and troop-contributing countries. Depending on the situation in specific peacekeeping operations, meetings will be held as often as necessary and practicable. In the case of new peacekeeping missions, joint meetings may be convened at an early stage in order to consult prospective troop-contributing countries during the mission planning process.

5. The joint meetings of the Working Group and troop-contributing countries will be chaired by the Chairman of the Security Council Working Group or an alternate Security Council member. The Chairman will invite members of the Working Group and the troop-contributing countries to participate, indicating the level he or she deems appropriate for specific meetings. As a general rule, the venue and time of such meetings will be published in the *Journal of the United Nations*. The procedures adopted for the joint meetings should be kept as flexible as possible to allow for interactive discussion by the participants.

6. The Chairman of the Security Council Working Group on Peacekeeping Operations will be responsible for reporting to the Security Council on the joint meetings. Such communication can take various forms, including oral briefings. The Secretariat will be requested to provide the necessary assistance in this regard and in other relevant areas.

7. The Security Council continues to commit itself to the implementation of resolution 1353 (2001). The existing formats of meetings with troop-contributing

countries should be continued and improved according to the provisions contained in that resolution. Such meetings and the joint meetings of the Working Group and troop-contributing countries should be mutually complementary.

8. The new cooperation mechanism of the joint meetings of the Working Group and troop-contributing countries should not prejudice the responsibilities of the Security Council and its members as set out in the Charter and should not interfere in the operational responsibilities of the Secretariat for peacekeeping operations.

S/2002/199* of 22 May 2002 on the Security Council's annual report to the General Assembly (reissued for technical reasons — originally issued as S/2002/199 of 26 February 2002)

1. The members of the Security Council, having taken into account the views expressed during the debate on agenda item 11, entitled "Report of the Security Council", at the fifty-sixth session of the General Assembly, have reviewed the format of the annual report of the Council to the General Assembly, which is submitted by the Council in accordance with Article 24, paragraph 3, of the Charter of the United Nations. Further to the notes by the President of the Security Council dated 20 December 1974 (S/11586), 29 January 1985 (S/16913), 30 June 1993 (S/26015), 29 March 1995 (S/1995/234), 12 June 1997 (S/1997/451) and 30 October 1998 (S/1998/1016) concerning the Council's documentation and other procedural questions, the President of the Council wishes to state that all members of the Council have indicated their agreement with the following.

2. The Security Council will take the necessary action to ensure the timely submission of its report to the General Assembly. For that purpose:

(a) The Security Council will continue with the existing practice whereby the annual report is submitted to the General Assembly in a single volume. However, the report to be presented to the General Assembly at its fifty-seventh session will cover the period from 16 June 2001 to 31 July 2002. Thereafter, the period of coverage for all future reports shall be from 1 August of one year to 31 July of the next;

(b) The Secretariat should continue to submit the draft report to the members of the Council no later than 31 August, immediately following the period covered by the report, so that it may be discussed and thereafter adopted by the Council in time for consideration by the General Assembly during the main part of the General Assembly's regular session.

3. The report shall contain the following parts, as described below:

(a) An introduction;

(b) Part I shall contain a brief statistical description of the key activities of the Security Council in relation to all subjects dealt with by the Council during the period covered by the report, including a list of each of the following with symbol numbers, as appropriate:

(i) All decisions, resolutions, presidential statements and assessment reports issued by the individual monthly Presidencies of the Council on its work, annual reports of all sanctions committees and other documents issued by the Council;

(ii) Meetings of the Security Council, including key committees such as the Counter-Terrorism Committee, sanctions committees, working groups and meetings with troop-contributing countries;

(iii) Panels and monitoring mechanisms and their relevant reports;

(iv) Security Council missions undertaken and their reports;

(v) Peacekeeping operations functioning, established or terminated;

(vi) Reports of the Secretary-General prepared for the Security Council;

(vii) All communications received;

(viii) Citations to relevant United Nations documents relating to financial expenditures in connection with Security Council activities during the period covered by the report, if available;

(ix) References to the summary statements by the Secretary-General on matters of which the Security Council was seized for the period covered by the report;

(x) Notes by the President of the Security Council and other documents issued by the Security Council for the further improvement of the Council's work;

(c) Pursuant to paragraph 3 (b) (i) above, the Secretariat will take the necessary steps to ensure the timely issuance by the month of September each year, of the publication *Resolutions and Decisions of the Security Council* under the symbol S/INF/ [year of the General Assembly], containing the full text of all decisions, resolutions and presidential statements of the Council for the period covered by the report;

(d) Part II shall contain, in relation to each subject dealt with by the Security Council during the period covered by the report:

(i) Factual data of the number of meetings and informal consultations;

(ii) A list of the decisions, resolutions, presidential statements and all documents issued by the Council;

(iii) A list of the relevant panels, monitoring mechanisms and their reports, as appropriate;

(iv) A list of the Security Council missions undertaken and their reports, as appropriate;

(v) A list of the peacekeeping operations functioning, established or terminated, as appropriate;

(vi) A list of the reports of the Secretary-General prepared for the Security Council.

4. The report shall continue to include an account of the other matters considered by the Council, the work of the Military Staff Committee and of the subsidiary bodies of the Security Council. The report shall also continue to include matters that were brought to the attention of the Council but not discussed during the period covered by the report.

5. In addition, the Secretariat should post the current annual report of the Security Council on the United Nations web site. The relevant web page should be updated to provide the information as necessitated under future notes issued by the President of the Security Council with respect to the annual report.

6. In accordance with the decision taken in June 1993 (S/26015), the report will continue to be adopted at a public meeting of the Security Council where members of the Council who wish to do so could comment on the work of the Council for the period covered by the report. The President of the Council for the month in which the report is presented to the General Assembly will also make reference to the verbatim record of the Council's discussion prior to its adoption of the annual report.

7. The members of the Security Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.

S/2002/316 of 26 March 2002 on improving clarity and transparency

1. With the view to improving clarity and transparency, and to facilitate understanding by the press regarding the work of the Security Council, the following concrete elements are agreed:

- Reports by the Secretary-General will specify the date on which the document is physically and electronically distributed in addition to the date of signature by the Secretary-General. The Secretariat is encouraged, to the extent possible, to distribute its reports in all official languages on the date originally established for publication.

- The President of the Security Council will in public meetings introduce agenda items by specifying the agenda item/issue for consideration, unless otherwise agreed in the Council's prior consultations, and refer to all speakers at the political and ambassadorial level by name and title. These names will, however, not have to be included in the official records or in advance in the briefing notes prepared by the Secretariat for the Presidency.

2. It is further agreed that briefings by the Secretariat in the Security Council consultation room should, as a general rule, include a printed fact sheet, which, whenever possible, should also be circulated to the members of the Council on the day prior to the consultations.

S/2002/591 of 29 May 2002 on seating arrangements for non-members of the Security Council invited to speak at its meetings

With a view to ensuring uniformity in the application of the established practice of the Security Council with regard to seating arrangements for non-members of the Security Council invited to speak at its meetings, the members of the Council have agreed that:

- When non-members of the Security Council are invited to speak at its meetings, they will be seated at the Council table on alternate sides of the President, with the first speaker seated on the President's right.

Statements by the President of the Security Council

S/PRST/2001/3 of 31 January 2001 on meetings between the Security Council and troop-contributing countries

At the 4270th meeting of the Security Council, held on 31 January 2001, in connection with the Council's consideration of the item entitled "Strengthening cooperation with troop-contributing countries", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council has given further consideration to the question of strengthening cooperation between the Council, the troop-contributing countries and the Secretariat. In this connection, the Council stresses the importance of full implementation of provisions of resolution 1327 (2000) of 13 November 2000 and in the statements of its President of 28 March 1996 (S/PRST/1996/13) and 3 May 1994 (S/PRST/1994/22). The Council takes note of the views expressed at its debate on the subject 'Strengthening cooperation with troop-contributing countries' at its 4257th meeting on 16 January 2001. The Council recognizes the scope for further improvement in its relations with troop-contributing countries and the need to work together with a common purpose towards shared goals.

"The Security Council recognizes that in view of the increasing complexity of peacekeeping operations, there is a need for a transparent three-way relationship between the Security Council, the Secretariat and the troop-contributing countries that will foster a new spirit of partnership, cooperation and confidence.

"Recognizing that the experience and expertise of troop-contributing countries in theatres of operation can greatly assist the planning process, the Security Council reiterates its agreement to hold consultations with troop-contributing countries in a timely manner at different stages of a United Nations peacekeeping operation, in particular when the Secretary-General has identified potential troop-contributing countries for a new or ongoing peacekeeping operation, during the implementation phase of an operation, when considering a change to, or renewal of, or completion of a peacekeeping mandate, or when a rapid deterioration in the situation on the ground threatens the safety and security of United Nations peacekeepers.

"The Security Council will seek to ensure that all private meetings as provided for in resolution 1327 (2000) between members of the Council, the troop-contributing countries and the Secretariat are substantive, representative, meaningful and provide for a full exchange of views. The Council stresses the importance of full participation by all those involved and encourages troop-contributing countries to take the initiative to call for meaningful exchanges of information. The President of the Council will provide, where appropriate, a detailed report of consultations with the troop-contributing countries to the Council.

"The Security Council stresses the usefulness of full and comprehensive briefings by the Secretariat at private meetings with the troop-contributing countries, including, where appropriate, military factors.

"The Security Council encourages the Secretary-General to continue his efforts to improve coordination and cooperation on peacekeeping issues within the United Nations system and the Secretariat.

"The Security Council encourages the Secretary-General to raise public awareness globally of the positive contribution of peacekeeping operations and the role played by peacekeepers from various troop-contributing countries.

"The Security Council acknowledges that the Secretariat must be able to rely on sufficient human and financial resources to respond to the demands placed on it. It underlines the importance of follow-up to the report of the Panel on Peace Operations (S/2000/809) with a view to strengthening the Department of Peacekeeping Operations and other relevant departments of the Secretariat involved in peacekeeping.

"The Security Council reiterates that the problem of the commitment gap with regard to personnel and equipment for peacekeeping operations requires the assumption by all Member States of the shared responsibility to support United Nations peacekeeping.

"The Security Council acknowledges that the delay in reimbursement causes severe budgetary constraints to troop-contributing countries. It urges all Member States to pay their assessed contributions in full and on time, so that peacekeeping operations can stand on a solid financial basis.

"The Security Council decides to establish a Working Group of the Whole on United Nations peacekeeping operations. The Working Group will not replace the private meetings with the troop-contributing countries. The Working Group will address both generic peacekeeping issues relevant to the responsibilities of the Council, and technical aspects of individual peacekeeping operations, without prejudice to the competence of the Special Committee on Peacekeeping Operations. Where appropriate, the Working Group will seek the views of the troop-contributing countries, including through meetings between the Working Group and the troop-contributing countries, with a view to their views being taken into account by the Council.

"As a first step, the Working Group is tasked to undertake an in-depth consideration of, inter alia, all the proposals made in the course of the Council's public meeting on 16 January 2001, including ways to improve the three-way relationship between the Council, the troop-contributing countries and the Secretariat and to report to the Council by 30 April 2001. An indicative list of all the ideas and proposals arising from the meeting on 16 January 2001 will be forwarded to the Working Group for its consideration."

S/PRST/2001/5 of 20 February 2001 on troop-contributing countries

"...

"The Security Council recognizes that troop-contributing countries may be involved in peace-building activities and that, within the existing system of consultations with these countries, relevant peace-building activities should be discussed."

Annex VI

Conference room paper submitted by the Bureau of the Working Group: proposals submitted to the Working Group during its 2002 session*

I. Proposal contained in a letter dated 15 May 2002 from the Permanent Representative of Italy to the United Nations addressed to the Chairman of the Working Group

The discussions that have taken place in this year's session of the Open-ended Working Group on Security Council reform have given evidence to the element of time as a crucial criterion to guide its deliberations and provide them with a reasonable sense of priority also as regards the issue of enlargement. All the more after the Millennium Summit, it is compelling to intensify efforts to move forward the process of reform. In this respect, nine years of thorough examination and lengthy debates have unquestionably proven that an agreement on the principle of adding new permanent members, as well as on their requirements, distribution among the regional groups and possible powers continues to be elusive.

In the light of these circumstances, the time has come to give special consideration to the only practicable way out of these divisive positions ensuring, at least after nine years, a broader representation of all regional groups and individual members on the Council. It has been correctly pointed out in this session that, had we adopted such a constructive approach from the beginning, as many as 50 additional Member States would by now have participated in the Council activities, giving their valuable contribution to its deliberations.

Such a long span of time has demonstrated how deep and substantial are the differences of opinion still remaining on the proposals to increase the number of permanent members, particularly as regards the feasibility of introducing a new category of "permanent members without the veto". While no real progress has emerged in regard to such specific expansion formulas, a wide convergence of views exists on the more general principle that representation on the Security Council needs to be enhanced in accordance with the requirements of equitable regional distribution and fair rotation. Furthermore, enlargement only in non-permanent membership could be considered in conjunction with other proposals for expansion in this category, such as establishing more frequently rotating seats, non-permanent members with longer terms, and non-permanent members eligible for immediate re-election.

Therefore we are of the opinion that the proposal introduced by Italy on 15 May last concerning the time factor should be duly reflected in the revised version of the document entitled "Principal elements of proposals" (annex XIII of last year's report), possibly in the section "E. Increase in non-permanent membership", where reference is made to general criteria for enlargement of non-permanent members. The text to be included would read as follows:

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* Previously issued as document A/AC.247/2002/CRP.4.

"Since no agreement has been reached on an enlargement of other categories of membership after nine years of debates, priority consideration should be given to an enlargement of non-permanent membership only, for the time being."

We welcome your intention to circulate other drafts of conference room papers soon, as stated in your letter dated 4 June last transmitting the revised version of the conference room paper on cluster II issues. Accordingly the revised version of the conference room paper on cluster I issues is expected to put on record new proposals made by Member States during the last substantive session. Without any prejudice on the merit of the Italian proposal, it undeniably drew a qualified attention and was addressed by a large number of delegations during subsequent meetings. The broad interest displayed indicates how central to the Security Council reform is the notion of the passing of time.

Following the traditional practice of the Open-ended Working Group, the Bureau is now working on a revision of the documents related to cluster I issues: it so proceeds "in order to take into account the suggestions" made during the discussions (as stated, inter alia, in the introduction to annex XII of last year's report). As in the case of cluster II, the conference room papers on cluster I are "living documents" subject to integration aimed at reflecting any new, constructive perspective which had emerged in the preceding debates: an approach implying that due notice should be taken in this year's conference room paper of the above illustrated proposal.

II. Proposal contained in a letter dated 17 May 2002 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Working Group

During the discussions on cluster I issues in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council in its March and May sessions, the Japanese delegation proposed amendments to annexes XIII and XIV of the report of the Working Group (A/55/47).

The Japanese delegation has compiled these proposals in the attached document in the hope that these proposals will be helpful in advancing the discussion on cluster I issues in future meetings of the Open-ended Working Group. This compilation is not intended to reduce or add to the current range of elements being proposed by Member States, but rather to eliminate those proposals that no longer enjoy support and to do away with redundancies in order to streamline annexes XIII and XIV of A/55/47.

I would be grateful if you could circulate the present letter and its attachment as a conference room paper of the Open-ended Working Group.

(Attachment)

Proposals made by the delegation of Japan concerning possible improvements to annexes XIII and XIV of the report of the Open-ended Working Group (A/55/47)

Annex XIII. Principal elements of the proposals listed in annex XI of the report of the Working Group (A/54/47) concerning (a) decision-making in the Security Council, including the veto (sect. I), and (b) expansion of the Security Council (sect. II)

II. Principal elements of proposals made with reference to "Decision-making in the Security Council, including the veto"

A. The veto as a voting instrument in the Council

– Delete A.1.(a), "The veto in its present form should be maintained", and A.2.(a), "The veto should be eliminated", as a package.

Reason: As the elements under A.1. do not require Charter amendment, it is a given that the veto in its present form would be maintained under these scenarios. Furthermore, we are not aware of any Member State, including the permanent members of the Council, that does not support the idea that "permanent members of the Council should exercise restraint in resorting to the veto". (A.1.(b)(1)) If so, A.1.(a) could be deleted.

On the other hand, as the concept of the elimination of the veto is contained in A.2.(b)(2), namely, "The veto should be initially curtailed with a view to eventual elimination", and as immediate elimination of the veto is most likely not a realistic option, A.2.(a) could also be deleted as a part of this package.

B. Number of affirmative votes required for decisions in an enlarged Council

– In B.(2), subject to the amendments on section III.B. below, delete "in a Council of 20, it would be 12"; insert "and 22" after "in a Council of 21" and insert "23 and" before "24". The subsection, as amended, would read as follows:

"(2) If 60 per cent of affirmative votes is required for decision, then the number of votes required in an enlarged Security Council would be as follows:

In a Council of 21 and 22, it would be 13;

In a Council of 23 and 24, it would be 14;

In a Council of 25, it would be 15; and

In a Council of 26, it would be 16."

Reason: The range of numbers should cover all proposed alternatives and should be consistent with section III.B. "Proposals of specific numbers for enlargement of Council".

III. Principal elements of proposals made with reference to "Expansion of the Security Council"

A. Proposals of a general nature

– Combine the elements under A.2., "Proposals for enlargement of Council in non-permanent membership only, for the time being", and A.3., "Proposals for enlargement of Council in non-permanent membership only", under the same subsection. The subsection, as combined, would read as follows:

"2. Proposals for enlargement of Council in non-permanent membership only

(1) There should be enlargement in non-permanent membership only.

(2) There should be enlargement in non-permanent membership only, for the time being.

(3) There should be enlargement in non-permanent membership only, based on the principle of sovereign equality of States, and equitable geographical distribution."

Reason: All of the above elements have to do with enlargement in the non-permanent membership only. Thus the text of annex XIII could be streamlined by combining them under a single subsection.

B. Proposals of specific numbers for enlargement of Council

– In B.1., "Specific numbers proposed", delete "20 members", replace "26 members" with "at least 26 members", and delete "30 members".

Reason: Reference to a Council of 20 could be deleted, taking into account the statements made by various delegations. Furthermore, there seems to be no support now for an expanded Council of "30 members", but even if there were, this element would be covered by inserting "at least" before "26", reflecting the common position of the Movement of Non-Aligned Countries.

– Delete B.2., "Range of numbers proposed", subject to the above proposed changes to B.1. As a consequence of deleting B. 2., all subtitles in subsection B would also be deleted.

Reason: Introducing the above-proposed changes to B. 1. would cover all the possible ranges proposed in B. 2.

The subsection, as amended, would read as follows:

"B. Proposals for specific numbers for enlargement of Council

The enlarged Council should consist of

21 members

22 members

23 members

24 members

25 members

At least 26 members

C. Increase in the permanent membership of the Council

– On C.2., "Proposals for enlargement of permanent membership of the Council", delete (6), "Five additional permanent seats: — one to each regional group in UN (except Western European and Others); — two additional financial permanent members."

Reason: Element (6) is identical to element (4) in substance.

E. Increase in non-permanent membership

– In E.2., "Allocation of non-permanent seats among regions", delete (3), "Four new non-permanent members should be elected as follows: one for Africa; one for Asia; one for Eastern Europe; one for Latin America and the Caribbean."

Reason: A literal interpretation of element (3) would yield a Council of 19 members only, which is smaller in terms of total size than any of the proposals put forward by Member States in the past. This would indicate that element (3) presupposes a simultaneous enlargement in the permanent membership. As elements (2) and (3) seem to refer to the same idea, element (3) could be deleted without damaging any Member State's position.

– In E.4., "Some States to participate more frequently as non-permanent members", delete (4), "The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be eligible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms."

Reason: Element (4) is identical to element (1) in substance.

Annex XIV. Principal elements of the proposals listed in annex XI to the report of the Working Group (A/54/47) concerning the periodic review of an enlarged Security Council (sect. III)

A. Scope and necessity for periodic review

– Delete 2., "A review of the Security Council is unnecessary".

Reason: Since no Member State expressed this view in the past, this paragraph should be deleted.

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